

108TH CONGRESS
2D SESSION

H. R. 4060

To amend the Peace Corps Act to establish an Ombudsman and an Office of Safety and Security of the Peace Corps, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 30, 2004

Mr. HYDE (for himself, Mr. LANTOS, Mr. SMITH of New Jersey, and Mr. SMITH of Michigan) introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Peace Corps Act to establish an Ombudsman and an Office of Safety and Security of the Peace Corps, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Health, Safety, and
5 Security of Peace Corps Volunteers Act of 2004”.

1 **SEC. 2. OMBUDSMAN OF THE PEACE CORPS.**

2 The Peace Corps Act (22 U.S.C. 2501 et seq.) is
3 amended by inserting after section 4 the following new
4 section:

5 **“SEC. 4A. OMBUDSMAN OF THE PEACE CORPS.**

6 “(a) ESTABLISHMENT.—There is established in the
7 Peace Corps the Office of the Ombudsman of the Peace
8 Corps (hereinafter in this section referred to as the ‘Of-
9 fice’). The Office shall be headed by the Ombudsman of
10 the Peace Corps (hereinafter in this section referred to
11 as the ‘Ombudsman’), who shall be appointed by and re-
12 port directly to the Director of the Peace Corps.

13 “(b) VOLUNTEER COMPLAINTS AND OTHER MAT-
14 TERS.—The Ombudsman shall receive and, as appro-
15 priate, inquire into complaints, questions, or concerns sub-
16 mitted by current or former volunteers regarding services
17 or support provided by the Peace Corps to its volunteers,
18 including matters pertaining to—

19 “(1) the safety and security of volunteers;

20 “(2) due process, including processes relating to
21 separation from the Peace Corps;

22 “(3) benefits and assistance that may be due to
23 current or former volunteers;

24 “(4) medical or other health-related assistance;

25 and

1 “(5) access to files and records of current or
2 former volunteers.

3 “(c) EMPLOYEE COMPLAINTS AND OTHER MAT-
4 TERS.—The Ombudsman shall receive and, as appro-
5 priate, inquire into complaints, questions, or concerns sub-
6 mitted by current or former employees of the Peace Corps
7 on any matters of grievance.

8 “(d) ADDITIONAL DUTIES.—The Ombudsman
9 shall—

10 “(1) recommend responses to individual matters
11 received under subsections (b) and (c);

12 “(2) make recommendations for administrative
13 or regulatory adjustments to address recurring prob-
14 lems or other difficulties of the Peace Corps;

15 “(3) identify systemic issues that relate to the
16 practices, policies, and administrative procedures of
17 the Peace Corps affecting volunteers and employees;
18 and

19 “(4) call attention to problems not yet ade-
20 quately considered by the Peace Corps.

21 “(e) STANDARDS OF OPERATION.—The Ombudsman
22 shall carry out the duties under this section in a manner
23 that is—

24 “(1) independent, impartial in the conduct of
25 inquiries, and confidential; and

1 “(2) consistent with the revised Standards for
2 the Establishment and Operation of Ombudsman
3 Offices (August 2003) as endorsed by the American
4 Bar Association.

5 “(f) INVOLVEMENT IN MATTERS SUBJECT TO ONGO-
6 ING ADJUDICATION, LITIGATION, OR INVESTIGATION.—
7 The Ombudsman shall refrain from any involvement in the
8 merits of individual matters that are the subject of ongo-
9 ing adjudication or litigation, or investigations related to
10 such adjudication or litigation.

11 “(g) REPORTS.—

12 “(1) IN GENERAL.—Not later than 180 days
13 after the date of the enactment of this section, and
14 semiannually thereafter, the Ombudsman shall sub-
15 mit to the Director of the Peace Corps, the Chair of
16 the Peace Corps National Advisory Council, and
17 Congress a report containing a summary of—

18 “(A) the complaints, questions, and con-
19 cerns considered by the Ombudsman;

20 “(B) the inquiries completed by the Om-
21 budsman;

22 “(C) recommendations for action with re-
23 spect to such complaints, questions, concerns,
24 or inquiries; and

1 “(D) any other matters that the Ombuds-
2 man considers relevant.

3 “(2) CONFIDENTIALITY.—Each report sub-
4 mitted under paragraph (1) shall maintain confiden-
5 tiality on any matter that the Ombudsman considers
6 appropriate in accordance with subsection (e).

7 “(h) DEFINITION.—In this section, the term ‘em-
8 ployee’ means an employee of the Peace Corps, an em-
9 ployee of the Office of Inspector General of the Peace
10 Corps, an individual appointed or assigned under the For-
11 eign Service Act of 1980 (22 U.S.C. 3901 et seq.) to carry
12 out functions under this Act, or an individual subject to
13 a personal services contract with the Peace Corps.”.

14 **SEC. 3. OFFICE OF SAFETY AND SECURITY OF THE PEACE**
15 **CORPS.**

16 The Peace Corps Act (22 U.S.C. 2501 et seq.), as
17 amended by section 2 of this Act, is further amended by
18 inserting after section 4A the following new section:

19 **“SEC. 4B. OFFICE OF SAFETY AND SECURITY OF THE**
20 **PEACE CORPS.**

21 “(a) ESTABLISHMENT.—There is established in the
22 Peace Corps the Office of Safety and Security of the Peace
23 Corps (hereinafter in this section referred to as the ‘Of-
24 fice’). The Office shall be headed by the Associate Director
25 of Safety and Security of the Peace Corps, who shall be

1 appointed by and report directly to the Director of the
2 Peace Corps.

3 “(b) RESPONSIBILITIES.—The Office established
4 under subsection (a) shall be responsible for all safety and
5 security activities of the Peace Corps, including back-
6 ground checks of volunteers and staff, safety and security
7 of volunteers and staff (including training), safety and se-
8 curity of facilities, security of information technology, and
9 other responsibilities as required by the Director.

10 “(c) SENSE OF CONGRESS.—It is the sense of Con-
11 gress that—

12 “(1) the Associate Director of Safety and Secu-
13 rity of the Peace Corps, as appointed pursuant to
14 subsection (a) of this section, should assign a Peace
15 Corps country security coordinator for each country
16 where the Peace Corps has a program of volunteer
17 service for the purposes of carrying out the field re-
18 sponsibilities of the Office established under sub-
19 section (a); and

20 “(2) each country security coordinator—

21 “(A) should be under the supervision of
22 the Peace Corps country director in each such
23 country;

24 “(B) should report directly to the Asso-
25 ciate Director of Safety and Security of the

1 Peace Corps, as appointed pursuant to sub-
2 section (a) of this section, on all matters of im-
3 portance as the country security coordinator
4 considers necessary;

5 “(C) should be responsible for coordinating
6 with the regional security officer of the Peace
7 Corps responsible for the country to which such
8 country security officer is assigned; and

9 “(D) should be a United States citizen who
10 has access to information, including classified
11 information, relating to the possible threats
12 against Peace Corps volunteers.”.

13 **SEC. 4. OFFICE OF MEDICAL SERVICES OF THE PEACE**
14 **CORPS.**

15 (a) REPORT ON MEDICAL SCREENING AND PLACE-
16 MENT COORDINATION.—Not later than 120 days after the
17 date of the enactment of this Act, the Director of the
18 Peace Corps shall submit to the appropriate congressional
19 committees a report that—

20 (1) describes the medical screening procedures
21 and guidelines used by the office responsible for
22 medical services of the Peace Corps to determine
23 whether an applicant for Peace Corps service has
24 worldwide clearance, limited clearance, a deferral pe-

1 riod, or is not medically, including psychologically,
2 qualified to serve in the Peace Corps as a volunteer;

3 (2) describes the procedures and guidelines
4 used by the Peace Corps to ensure that applicants
5 for Peace Corps service are matched with a host
6 country where the applicant, reasonable accommoda-
7 tions notwithstanding, can complete at least two
8 years of volunteer service without interruption due
9 to foreseeable medical conditions; and

10 (3) with respect to each of the fiscal years 2000
11 through 2003 and the first six months of fiscal year
12 2004, states the number of—

13 (A) medical screenings of applicants con-
14 ducted;

15 (B) applicants who have received world-
16 wide clearance, limited clearance, deferral peri-
17 ods, and medical disqualifications to serve;

18 (C) appeals to the Medical Screening Re-
19 view Board of the Peace Corps and the number
20 of times that an initial screening decision was
21 upheld;

22 (D) requests to the head of the office re-
23 sponsible for medical services of the Peace
24 Corps for reconsideration of a decision of the
25 Medical Screening Review Board and the num-

1 ber of times that the decision of the Medical
2 Screening Review Board was upheld by the
3 head of such office;

4 (E) Peace Corps volunteers who became
5 medically qualified to serve because of a deci-
6 sion of the Medical Screening Review Board
7 and who were later evacuated or terminated
8 their service early due to medical reasons;

9 (F) Peace Corps volunteers who became
10 medically qualified to serve because of a deci-
11 sion of the head of the office responsible for
12 medical services of the Peace Corps and who
13 were later evacuated or terminated their service
14 early due to medical reasons;

15 (G) Peace Corps volunteers who the agency
16 has had to separate from service due to the dis-
17 covery of undisclosed medical information; and

18 (H) Peace Corps volunteers who have ter-
19 minated their service early due to medical, in-
20 cluding psychological, reasons.

21 (b) DEFINITION.—In subsection (a), the term “ap-
22 propriate congressional committees” means the Com-
23 mittee on International Relations of the House of Rep-
24 resentatives and the Committee on Foreign Relations of
25 the Senate.

1 (c) FULL TIME DIRECTOR OF MEDICAL SERVICES.—
 2 Section 4(c) of the Peace Corps Act (22 U.S.C. 2503(c))
 3 is amended by adding at the end the following new para-
 4 graph:

5 “(5) The Director of the Peace Corps shall en-
 6 sure that the head of the office responsible for med-
 7 ical services of the Peace Corps does not occupy any
 8 other position in the Peace Corps.”.

9 **SEC. 5. REPORTS ON THE “FIVE YEAR RULE” AND ON WORK**
 10 **ASSIGNMENTS OF VOLUNTEERS OF THE**
 11 **PEACE CORPS.**

12 (a) REPORT BY THE COMPTROLLER GENERAL.—

13 (1) IN GENERAL.—Not later than one year
 14 after the date of enactment of this Act, the Comp-
 15 troller General shall submit to the appropriate con-
 16 gressional committees a report on the effects of the
 17 limitation on the duration of employment, appoint-
 18 ment, or assignment of officers and employees of the
 19 Peace Corps under section 7 of the Peace Corps Act
 20 (22 U.S.C. 2506) on the ability of the Peace Corps
 21 to effectively manage Peace Corps operations.

22 (2) CONTENTS.—The report described in para-
 23 graph (1) shall include—

24 (A) a description of such limitation;

1 (B) a description of the history of such
2 limitation and the purposes for which it was en-
3 acted and amended;

4 (C) an analysis of the impact of such limi-
5 tation on the ability of the Peace Corps to re-
6 cruit capable volunteers, establish productive
7 and worthwhile assignments for volunteers, pro-
8 vide for the health, safety, and security of vol-
9 unteers, and, as declared in section 2(a) of the
10 Peace Corps Act (22 U.S.C. 2501(a)), “pro-
11 mote a better understanding of the American
12 people on the part of the peoples served and a
13 better understanding of other peoples on the
14 part of the American people”;

15 (D) an assessment of whether the applica-
16 tion of such limitation has accomplished the ob-
17 jectives for which it was intended; and

18 (E) recommendations, if any, for legisla-
19 tion to amend provisions of the Peace Corps
20 Act relating to such limitation.

21 (b) REPORT ON WORK ASSIGNMENTS OF VOLUN-
22 TEERS.—

23 (1) IN GENERAL.—Not later than 180 days
24 after the date of the enactment of this Act, the Di-
25 rector of the Peace Corps shall submit to the appro-

1 appropriate congressional committees a report on the extent to which the work assignments of Peace Corps volunteers fulfill the commitment of the Peace Corps to ensuring that such assignments are well developed, with clear roles and expectations, and that volunteers are well-suited for their assignments.

2 (2) CONTENTS.—The report described in paragraph (1) shall include—

3 (A) an assessment of the extent to which agreements between the Peace Corps and host countries delineate clear roles for volunteers in assisting host governments to advance their national development strategies;

4 (B) an assessment of the extent to which the Peace Corps recruits volunteers who have skills that correlate with the expectations cited in the country agreements and assigns such volunteers to such posts;

5 (C) a description of procedures for determining volunteer work assignments and minimum standards for such assignments;

6 (D) a volunteer survey on health, safety, and security issues as well as satisfaction surveys which will have been conducted after the date of the enactment of this Act; and

1 (E) an assessment of the plan of the Peace
 2 Corps to increase the number of volunteers who
 3 are assigned to projects in sub-Saharan Africa,
 4 Asia, and the Western Hemisphere, particularly
 5 among communities of African descent within
 6 countries in the Western Hemisphere, which
 7 help combat HIV/AIDS and other global infec-
 8 tious diseases.

9 (c) DEFINITION.—In this section, the term “appro-
 10 priate congressional committees” means the Committee on
 11 International Relations of the House of Representatives
 12 and the Committee on Foreign Relations of the Senate.

13 **SEC. 6. INSPECTOR GENERAL OF THE PEACE CORPS.**

14 (a) ESTABLISHMENT OF INDEPENDENT INSPECTOR
 15 GENERAL.—

16 (1) IN GENERAL.—The Inspector General Act
 17 of 1978 (5 U.S.C. App.) is amended—

18 (A) in section 8G(a)(2), by striking “, the
 19 Peace Corps”;

20 (B) in section 9(a)(1), by adding at the
 21 end the following new subparagraph:

22 “(X) of the Peace Corps, the office of that
 23 agency referred to as the ‘Office of Inspector
 24 General’; and”;

25 (C) in section 11—

1 (i) in paragraph (1), by striking “or
2 the Office of Personnel Management” and
3 inserting “the Office of Personnel Manage-
4 ment, or the Peace Corps”; and

5 (ii) in paragraph (2), by inserting “,
6 the Peace Corps” after “the Office of Per-
7 sonnel Management”.

8 (2) TECHNICAL AMENDMENT.—Section
9 9(a)(1)(U) of the Inspector General Act of 1978 (5
10 U.S.C. App.) is amended by striking “and” at the
11 end.

12 (b) TEMPORARY APPOINTMENT.—The Director of
13 the Peace Corps may appoint an individual to assume the
14 powers and duties of the Inspector General of the Peace
15 Corps under the Inspector General Act of 1978 (5 U.S.C.
16 App.) on an interim basis until such time as a person is
17 appointed by the President, by and with the advice and
18 consent of the Senate, pursuant to the amendments made
19 in this section.

20 (c) EXEMPTION FROM EMPLOYMENT TERM LIMITS
21 UNDER THE PEACE CORPS ACT.—

22 (1) IN GENERAL.—Section 7 of the Peace
23 Corps Act (22 U.S.C. 2506) is amended—

24 (A) by redesignating subsection (c) as sub-
25 section (b); and

1 (B) by adding at the end the following new
2 subsection:

3 “(c) The provisions of this section that limit the dura-
4 tion of service, appointment, or assignment of individuals
5 shall not apply to—

6 “(1) the Inspector General of the Peace Corps;

7 “(2) officers of the Office of the Inspector Gen-
8 eral of the Peace Corps;

9 “(3) any individual whose official duties pri-
10 marily include the safety and security of Peace
11 Corps volunteers or employees;

12 “(4) the head of the office responsible for med-
13 ical services of the Peace Corps; or

14 “(5) any health care professional within the of-
15 fice responsible for medical services of the Peace
16 Corps.”.

17 (2) CONFORMING AMENDMENT.—The first pro-
18 viso of section 15(d)(4) of the Peace Corps Act (22
19 U.S.C. 2514(d)(4)) is amended by striking “7(c)”
20 and inserting “7(b)”.

21 (d) COMPENSATION.—Section 7 of the Peace Corps
22 Act (22 U.S.C. 2506), as amended by subsection (c) of
23 this section, is further amended by adding at the end the
24 following new subsection:

1 “(d) The Inspector General of the Peace Corps shall
2 be compensated at the rate provided for level IV of the
3 Executive Schedule under section 5315 of title 5, United
4 States Code.”.

○